

House Engrossed Senate Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 186

SENATE BILL 1282

AN ACT

AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; RELATING TO SMUGGLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2319, Arizona Revised Statutes, is amended to
3 read:

4 13-2319. Smuggling; classification; definitions

5 A. It is unlawful for a person to intentionally engage in the
6 smuggling of human beings for profit or commercial purpose.

7 B. A violation of this section is a class 4 felony.

8 C. Notwithstanding subsection B OF THIS SECTION, a violation of this
9 section:

10 1. Is a class 2 felony if the human being WHO IS smuggled is under
11 eighteen years of age and IS not accompanied by a family member over ~~the age~~
12 ~~of~~ eighteen YEARS OF AGE.

13 2. IS A CLASS 3 FELONY IF THE OFFENSE INVOLVES THE USE OR THREATENED
14 USE OF DEADLY PHYSICAL FORCE AND THE PERSON IS NOT ELIGIBLE FOR SUSPENSION OF
15 SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY OTHER BASIS
16 EXCEPT PURSUANT TO SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE
17 IMPOSED BY THE COURT IS SERVED, THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT
18 TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.

19 D. Chapter 10 of this title does not apply to a violation of ~~this~~
20 subsection C, PARAGRAPH 1 OF THIS SECTION.

21 ~~D.~~ E. For the purposes of this section:

22 1. "Family member" means the person's parent, grandparent, sibling or
23 any other person WHO IS related to the person by consanguinity or affinity to
24 the second degree.

25 2. "PROCUREMENT OF TRANSPORTATION" MEANS ANY PARTICIPATION IN OR
26 FACILITATION OF TRANSPORTATION AND INCLUDES:

27 (a) PROVIDING SERVICES THAT FACILITATE TRANSPORTATION INCLUDING TRAVEL
28 ARRANGEMENT SERVICES OR MONEY TRANSMISSION SERVICES.

29 (b) PROVIDING PROPERTY THAT FACILITATES TRANSPORTATION, INCLUDING A
30 WEAPON, A VEHICLE OR OTHER MEANS OF TRANSPORTATION OR FALSE IDENTIFICATION,
31 OR SELLING, LEASING, RENTING OR OTHERWISE MAKING AVAILABLE A DROP HOUSE AS
32 DEFINED IN SECTION 13-2322.

33 ~~2.~~ 3. "Smuggling of human beings" means the transportation,
34 procurement of transportation or use of property or real property by a person
35 or an entity that knows or has reason to know that the person or persons
36 transported or to be transported are not United States citizens, permanent
37 resident aliens or persons otherwise lawfully in this state OR HAVE ATTEMPTED
38 TO ENTER, ENTERED OR REMAINED IN THE UNITED STATES IN VIOLATION OF LAW.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.